

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

UNITED STATES OF AMERICA,

: Case No. 3:08cr036

Plaintiff,

: JUDGE WALTER H. RICE

vs.

:

KEVIN R. TINCER.,

:

Defendant.

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DECISION AND ENTRY OF JUDGMENT, FINDING DEFENDANT IN VIOLATION OF HIS SUPERVISED RELEASE, REVOKING SAME AND IMPOSING SENTENCE, WITH NO PERIOD OF SUPERVISION TO FOLLOW; RIGHT OF APPEAL EXPLAINED AND UNDERSTOOD; NEITHER COUNSEL FOR THE GOVERNMENT NOR FOR THE DEFENDANT HAD ANY PROCEDURAL OR SUBSTANTIVE OBJECTIONS TO THIS COURT'S DISPOSITION; TERMINATION ENTRY

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On January 24, 2019, the Defendant appeared in open Court and admitted to all four allegations set forth against him, in an Amended Petition filed September 21, 2018, directing him to show cause why his Supervised Release, a status that began on December 24, 2015, should not be revoked. Following his admissions, Defendant was found in violation of his Supervised Release.

Based upon the record made on the aforesaid January 24, 2019, this Court revoked the Defendant's Supervised Release on Counts 1, 2, 3, 5 and 6. On Counts 1, 2 and 3, the Court remanded Defendant to the custody of the Attorney General of the United States, the Bureau of Prisons, for a period of one year on each Count, said sentences to run concurrently with each

other. On Counts 5 and 6, the Defendant's Supervised Release was revoked and he was remanded to the custody of the Attorney General of the United States, the Bureau of Prisons, for a period of one year on each Count, said sentences to run concurrently with each other, but consecutively to the three concurrent one-year sentences imposed on Counts 1, 2 and 3, for an aggregate sentence on Supervised Release revocation of two (2) years. No period of Supervised Release is imposed following the serving of the aggregate two (2) year sentence imposed herein.

The aggregate two-year sentence imposed herein is to be served consecutively with the 120-months or ten-year sentence, imposed on January 24, 2019, in Case No. 3:17cr95.

As recommendations to the Bureau of Prisons, the Court recommends that the Defendant be given credit for all allowable pre-sentence jail time served from February 10, 2017. It is to be noted that, in its Judgment Entry in Case No. 3:17cr95, this Court, in imposing a ten-year sentence consecutive to the aggregate two (2) year sentence imposed in the captioned cause, did not recommend that Defendant be given credit for all allowable pre-sentence jail time served from February 10, 2017, preferring, instead, that said pre-sentence jail time be credited to the aggregate two-year or 24-month sentence imposed herein, as opposed to being credited against the consecutive sentence imposed in 3:17cr95.

Following the above, the Defendant was orally explained his right of appeal, and he indicated an understanding of same. Neither counsel for the Government nor for the Defendant had any procedural or substantive objections to this Court's Disposition.

The captioned cause is ordered terminated upon the docket records of the United States District Court for the Southern District of Ohio, Western Division, at Dayton.

*Walter H. Rice*

April 29, 2019

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WALTER H. RICE  
UNITED STATES DISTRICT JUDGE

Copies to:

Counsel of record  
Amy Shamp, U.S. Probation Officer  
U.S. Marshals Service